

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.1175 OF 2022

Mohammad Akhtar Mohd. Samsul and another .Vs. State of Maharashtra, through
P.S.O. Yavatmal Rural, Tq. & Dist. Yavatmal

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.W. Mirza, Advocate for the applicants.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 29/11/2022

1. Heard.
2. The applicants are seeking bail in Crime No.182 of 2022, registered with Police Station: Yavatmal (Rural), District: Yavatmal, for the offences punishable under Sections 420, 356-B read with Section 34 of the Indian Penal Code.
3. In this case, it is alleged that under the pretext to clean the Silver Bangles, the applicants poured the bangles in the plastic bucket and thereafter they put some acidic material. However, thereafter the informant found that her silver bangles are lost its weight. Thereupon, the applicants raised alarm and then, the applicants tried to run away by throwing the acidic material which was in the plastic bucket. But with help of people, the informant

succeeded to catch hold the applicants and to hand over the Police.

4. The applicants are in jail from 14.04.2022 and after completion of investigation, the charge-sheet has been filed. In the medical report, multiple superficial acid injuries were found on the person of the informant however, as the CA report is awaited, no definite conclusion can be drawn that the material thrown on the person of the informant was acid.

5. The learned APP was granted time to take instruction within how much time CA report is expected. However, on instruction he expressed his inability to state the definite period within which it can be expected. Even he is not sure about the period within which the trial would commence.

6. The CA report in this case is relevant to find out whether the material was acid or not because applicability of Section 326-B of the Indian Penal Code (IPC) will depend upon the said report.

7. At present, in absence of any case made out under Section 326-B of the IPC and considering the period of incarceration of the applicant, I am of the opinion that no purpose would be served in keeping the applicants in jail

for uncertain period particularly, when the investigation is completed and the charge-sheet has been filed.

8. As far as the CA report is concerned, the purpose would be served, if the liberty is granted to the State to apply for cancellation of bail if so advice in case of affirmative CA report.

9. In the circumstances, though the learned APP is opposing the present application, I am of the opinion that the applicants are entitled for grant of bail with certain stringent conditions. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in the event of arrest of the applicants in Crime No.182 of 2022, registered with Police Station: Yavatmal (Rural), District: Yavatmal, for the offences punishable under Sections 420, 356-B read with Section 34 of the Indian Penal Code, the applicant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- each with two local solvent surety(each) in the like amount (each).

- c) The applicants shall not enter into the territorial jurisdiction District Yavatmal, till the culmination of the trial, except for trial.
- d) The applicants shall provide his address along with name of the nearest Police Station and shall attend the concerned Police Station on 1st and 16th of each month between 10.00 a.m. to 12.00 noon, till the culmination of the trial.

The criminal application is **disposed** of accordingly.

JUDGE